



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

July 27, 2004

Ref: 8ENF-W

CERTIFIED MAIL 7003-2260-0001-7778-5083
RETURN RECEIPT REQUESTED

Darron Busch, Drinking Water Administrator
South Dakota Department of Environment
and Natural Resources
Drinking Water Program
Joe Foss Building
523 East Capital Ave
Pierre, South Dakota 57501-3182

NOTICE OF VIOLATION

Docket No. **SDWA-08-2004-0036**

Bear Country USA
13820 South HWY 16
Rapid City, SD 576701
PWS ID# SD4600528

Dear Mr. Busch:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C.

§ 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of failure to monitor for total coliform; failure to collect sufficient routine total coliform samples; failure to monitor for nitrate; failure to provide public notice; and failure to notify the State of the violations. Our records, obtained from the South Dakota Department of Environment and Natural Resources (DENR), indicate the violations noted below. Please notify Melanie Wasco of my staff at (303) 312-6540 within 20 days if your records show any discrepancies with these determinations of violation.

<u>Date of</u> <u>Violation</u>	<u>Violation</u>	
August and September 1999; June, July and August 2000; June, July, August and September 2001; June, August and September 2002; May and December 2003	Failure to monitor for total coliform (40 C.F.R. § 141.21)	
June, July, October and November 2003	Failure to collect sufficient routine total coliform samples [40 C.F.R. § 141.21(a)(3)(ii)] (Collected only 1 when 2 samples were required)	
2001	Failure to monitor for nitrate [40 C.F.R. § 141.23(d)]	
1999 - 2003	Failure to provide public notice of the (40 C.F.R. § 141.201)	above-referenced violations
1999 - 2003	Failure to report the above-referenced [40 C.F.R. §§ 141.21(g)(2) and 141.31(b)]	violations to the State

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Melanie Wasco at (303) 312-6540.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the Respondent is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate a Respondent's responsibility to comply with the Act.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

SIGNED

David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Brendan Casey, Operator
Bear Country USA Water System

Sean Casey, Registered Agent
Bear Country USA, INC.

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE
REGIONAL HEARING CLERK.**

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON JULY 27, 2004.

